

# **Governor's Committee for the Purchase of Commodities and Services from the Handicapped**

## **Minutes September 15, 2004**

### **ATTENDANCE**

**Committee Members Present:** Lee Dixon, Chair; Everett Sullivan; Donna Lipscomb; Brenda King; and Scott Padon, Executive Secretary

**Committee Members Absent:** Linda Maniak

**WVARF Staff Present:** Glenn McEndree; Craig Greening; Chris Miller; and Ken Kennedy

### **APPROVAL OF MINUTES**

**Everette Sullivan moved for approval of the July 14, 2004 meeting and Brenda King seconded. Motion passed.**

Donna Lipscomb stated that upon review of the August 11, 2004, minutes there were numerous inaccuracies and several items that were discussed that were not included. Therefore, she moved to lay over approval of the minutes until she could listen to the tapes and correct the minutes.

**Donna Lipscomb moved to lay over the approval of the minutes until the next meeting. Motion seconded by \_\_\_\_\_ . Motion passed.**

### **REPORT OF WVARF EXECUTIVE DIRECTOR**

Glenn McEndree distributed the annual report from the State Use Programs Association. He noted that Stephen King was the 2003 Spirit of State Use Award Winner.

Mr. McEndree indicated that the committee has stressed accountability and he has established an institutional file that he is going to have for each CRP. The file contains basic information that they should be provided anyway but there was no mechanism in place to make sure they were on file and current. Additionally, there is a checklist for how the files will be maintained by WVARF and Scott Padon, the Executive Secretary.

In regard to the five CRP's who had issues with their nonprofit status at the Secretary of State's office, Mr. McEndree has investigated that and has resolved the issues and all

CRP's are now in good standing.

Brenda King inquired about the minutes and who would keep those. Mr. McEndree asked who was responsible for maintaining the minutes. Scott Padon stated that it was his responsibility as Executive Secretary to maintain their retention. When he came on the committee he put that with the CNA to retain the minutes in their offices. Brenda King stated that she wants to advise the committee that the Division of Rehabilitation Services has taken the minutes and kept the budget for several years but this is a Department of Administration program. Effective October 1, 2004, the Department of Rehabilitation is giving those responsibilities back to the Department of Administration. Ms. Lipscomb stated that by Statute the Department of Administration is responsible and she is willing to doing the minutes in the future.

Mr. Greening provided a spread sheet which represented the FY 2004 State Use Activity Report. This is the information that will be in the annual report. The total worker's with disabilities who were employed this year was 817. The total hours worked by disabled workers is 162,764. This is higher than it has ever been in the past. The state ratio is 81.3%. Total wages paid to disabled workers is 4.2 million dollars. Mr. Greening went through the remainder of the handout and identified what areas were down and what areas increased.

## **CONTRACT COMPLAINTS**

Ken Kennedy stated that there have been 5 complaints received. One of those was the stakes and the committee is well aware of that complaint. Complaints were also received regarding bottled water with Nicholas County and those have been taken care of without any problem. There was also two complaints regarding janitorial. One was minor which was taken care of the other one was with BEP. Donna Lipscomb questioned the nature of the complaint as to whether it was regarding quality of work, scope of work or what. Mr. Greening stated it was all above. Mr. Greening and Mr. Kennedy worked that out and Goodwill has agreed to put someone at the site for almost a month 8 hours a day to experiment whether a day person would help. This worked out and a contract was negotiated with them for 20 additional hours so they have covered during the day and evening. They are now happy. Donna Lipscomb questioned what the complaint was with bottled water. Mr. Kennedy stated it was delivery problems at Nicholas County. Indirectly it was because Green Acres did not have any state park labels for the water.

## **ADDITIONS TO WVARF 04**

Mr. Dixon received a request to put the one gallon bottled water on the statewide contract today. Mr. Kennedy stated that they did not receive enough information to take action today and asked the committee to postpone it until the next meeting.

The other request was received from Alvin Schafer with The Seeing Hand Association to put stick mops on the statewide contract. Mr. Kennedy pointed out that this is the new form that was established for adding items to WVARF 04 statewide contract. Mr. Padon stated that there is a statewide contract for janitorial supplies and before the committee take action they check with Betty Francisco in Purchasing to see if mops are on that contract. If mops are on the contract he would recommend that the CRP work with the holder of the statewide contract to see if they were interested in letting the CRP be a resource of mops.

## CONTRACT PRESENTATION

Mr. Greening stated that there is no non-reoccurring state use report for July or August. They have a few new projects for janitorial service. The new projects are from Fairmont State College for Bryant Place; Office of Emergency Services Regional Rapid Response Team in Big Chimney; and the Northern Operations Center at Hart Field in Morgantown. Ms. Lipscomb asked if they have implemented the form which requires the CRP to sign that they will pay the workers at a minimum what is approved by the committee. Mr. Greening stated that they have added to the costing sheet the following wording "the compensation rates for workers and supervisors, including wages and benefits, will be paid at the rates established in this costing document". He stated that it may need to be reworded to say at a minimum. Ms. Lipscomb agreed but indicated that the CRP should have to sign something saying they agreed.

In regard to contract renewals, the following contracts were renewed:

Agency	Site	Annual Price	CRP
BEP	3622 MacCorkle Avenue	\$7,823.00	Goodwill of KV
BEP	1321 Plaza East	\$71,409.80	Goodwill of KV
BEP	Elkins	\$14,105.93	Randolph County Sheltered Workshop
BEP	Logan	\$7,884.01	Integrated Resources
BEP	Morgantown	\$8,278.42	PACE T.E.C.
BEP	Moundsville	\$4,009.08	WATCH
BEP	New Martinsville	\$3,980.35	Northwood Health Systems
BEP	Parkersburg	\$11,921.77	SW Resources

BEP	Pt. Pleasant	\$7,562.33	Goodwill of KYOWCA
BEP	Summersville	\$12,292.93	Sheltered Workshop of Nicholas County
BEP	Weirton	\$12,240.65	Hancock County Sheltered Workshop
BEP	Welch	\$5,623.42	Integrated Resources
BEP	Williamson	\$7,771.46	Integrated Resources
Worker's Compensation	4401 MacCorkle Avenue	\$12,384.07	Goodwill of KV
Worker's Compensation	5301 MacCorkle Avenue	\$7,421.10	Goodwill of KV
Worker's Compensation	Big Chimney	\$22,737.94	Goodwill of KV
DOH	Statewide-low impact monitors-dispatchers	\$4,479.94	Harrison County Sheltered Workshop
DOH	Statewide-low impact monitors - monitors	\$31.16	Harrison County Sheltered Workshop; Integrated Resources; SW Resources

Everette Sullivan made motion to approve the contract renewals and Brenda King seconded. Motion passed.

## OLD BUSINESS

### Accounts receivables

Chris Miller stated that the sales on their books showed sales being slightly higher for 2004 over 2003 but when everything was said and done the sales were down just a little. He explained that everything does not go through WVARF's books. Donna

Lipscomb asked what CRP's do their own billing. Mr. Miller stated that JCDC and Green Acres are the only ones who do their own billing. The agency pays them directly and then they forward WVARF's portion to WVARF. Ms. Lipscomb questioned why they were different and Mr. Miller stated that it was because of the bulk of the invoices and they would be required to hire someone to do their billing if they did not do it themselves.

#### Annual Planning Follow up

Mr. Greening stated that the annual planning meeting was scheduled for November 10, 2004. Mr. Kennedy indicated that the committee should plan to spend the entire day at their offices for that meeting.

#### CRP Visit

Mr. Kennedy stated that the committee would meet at WVARF's office tomorrow morning at 9:15 a.m. and plan to travel to two Green Acres and JCDC. If time permits they may also view two stream access sites. The committee should be back at WVARF's office at approximately 4:00 p.m.

The October visit will be done at the Nicholas County Sheltered Workshop in Craigsville. This will be a combination committee meeting and visitation.

#### 2003 CRP disbursement

Mr. Dixon stated that the committee was provided copies of the responses received from the CRP's as to how they spent the money distributed to them. Donna Lipscomb stated that some CRP's did not respond at all and some responses received were nonspecific and did not say anything. She indicated that most of the responses appeared to be ligament and it did appear that the CRP's utilized the funds for state use. However, she would like to see more specific information from those who did not provide it originally. Mr. McEndree asked what CRP's needed to provide more information. Ms. Lipscomb requested additional information from ARC of Harrison County, Eastridge Health Systems, Gateway Industries, Goodwill of North Central WV, Goodwill of KYOWVA, Hampshire Special Services Center, Hancock County Sheltered Workshop, Harrison County Sheltered Workshop, Healthways, Inc., Integrated Resources, Jackson County Development Center, SW Resources, Northwood Behavioral Health, and Preston County Sheltered Workshop.

#### State Use Conference

Glenn McEndree went over the agenda for the proposed conference. Alfred Baker with SUPRA will be the keynote speaker. He is coming for a night's stay and some bread crumbs. In regard to state use program and new regulations he has Scott Padon and Donna Lipscomb listed as the speaker for those. Their costs would be a night's stay and mileage. Chris Deweese will be speaking on non-profit accountability. He charges a flat \$500.00. Erin MaGee will be speaking on hiring practices and overtime pay. She will only charge mileage.

Mr. McEndree has set up a registration fee of \$65.00. Stonewall Jackson will not break down the complete meeting package to determine what individual costs are. Donna Lipscomb stated that the \$65.00 registration fee proposed to cover the costs of the rooms should be increased. She just went to Stonewall Jackson for a conference and the government rate is \$85.00 a night. She asked Mr. McEndree if he had called Stonewall Jackson and asked them what one night's accommodation would be without the government rate. Mr. McEndree has not inquired from them. Ms. Lipscomb stated that it is well over \$100.00 per night.

Donna Lipscomb stated that her name is on the agenda as a presenter but she was unaware of being a presenter on the agenda and must get approval prior to agreeing to do that. Mr. McEndree indicated that Scott Padon has also told him the same thing. She also stated that she was disappointed that the agenda did not have anything on it that was geared towards getting new CRP's to tell them what the state use program is and what they need to do to get qualified. She believes that it is crucial to add this to the agenda. She believes that every CRP who is not currently participating in the program should be mailed a letter advising them of the conference and that a portion of the conference in the beginning be dedicated to informing them of what the program is and how to get qualified. She also believes that non-participating CRP's should be given first choice of rooms.

Donna Lipscomb asked what would happen if CRP's do not want to pay the registration fee and do not participate? Mr. Greening stated that WVARF is on the hook for 52 rooms at \$200.00 per night plus a 18% gratuity and 6% sales tax. He is estimated the cost is approximately \$15,000.00 to Stonewall Jackson. This would not include the costs and expenses of speakers.

Brenda King stated that if they do a portion of the program for non-participating CRP's then it should be done at 10:30 a.m. so they can find out about the program at the beginning and they can figure out how to get qualified by the Division of Rehabilitation. Mr. Padon stated that they may want to have a day rate if the CRP did not want to spend the night. Ms. Lipscomb stated that the problem with doing this is that WVARF may not get any funds to go towards their commitment. Brenda King stated that due to the location of Stonewall Jackson then a lot of CRP's may just stay the day. Ms. Lipscomb stated that there is not much on the agenda for the second day so many CRP's may just pay the day rate and leave instead of taking two days off work. Brenda King suggested that they throw another item on the agenda for the second day. Mr. Padon stated that one thing Purchasing has found out is that the meetings on the last day are poorly attended so they pushed the meeting the day before until late evening. Ms. Lipscomb does not believe that anyone would stay over with no meetings the next day.

Donna Lipscomb stated that she is opposed to the \$65.00 registration fee. In light of the situation and WVARF as the association making the commitment that they should at least make the registration fee the government rate. The committee wants to help

WVARF out with their commitment but they should at least pay an \$85.00 registration fee. The committee is doing what they can to help out but they have got to share in some of the responsibility for the commitment they made. Mr. Padon stated that you have got to balance the cost. You obviously can not charge them the room cost of \$200.00 but need to determine the threshold of what the CRP's can afford. Ms. Lipscomb stated that the program is under the Department of Administration and the Governor's Committee must show fiscal responsibility. She would assume that the association would prefer to get some funding from this committee in order to help them out with their commitment.

Brenda King stated that the Division of Rehabilitation Services has no problem with the 65.00 registration fee. Mr. Dixon stated that the CRP's don't have money and they need to get as much participation as they can as the CRP's need to gain the information to be provided at the conference.

**Brenda King moved to approve the state use conference as presented on the agenda at a registration fee of \$65.00 with the understanding that Scott Padon and Donna Lipscomb are allowed to be speakers. Mr. Dixon wants to add to the agenda that they have a special track for non-participating state use CRP's. Motion seconded by Lee Dixon. Ms. King and Mr. Dixon voted in favor and Donna Lipscomb voted against the motion. Motion passed.**

#### FY 04 Ratio Report

Mr. Greening presented the committee with a handout showing where each CRP ended up with their disability ratio. He stated that Clay County Services Unlimited was below the 75% level last year and again this year but they are doing better, especially in the 4<sup>th</sup> quarter. JCDC is above the requirement this year and they were down last year. Precision Services is a percentage point under but they have gone from 62% to 74%. Preston County has had no movement at 65%. Randolph County is in good shape as they went from 68% to 77%. Nicholas County went from 57% to 75%. Three CRP's are under the 75% requirement and must submit a plan of correction.

#### Investment Account Plan and Purpose

Mr. McEndree stated that the WVARF membership approved the plan by an 18 to 2 margin. This is something that will be ongoing. They may change it as it progresses. He indicated that it also includes the pre-sort funds in addition to the investment funds. Ms. King questioned the building fund. Mr. McEndree stated that the association planned to purchase a building so they could eliminate the cost of renting. Mr. Dixon asked that the committee have an opportunity to review it and place it on the agenda for the next meeting.

#### Assignment Policy Approval

Mr. McEndree stated that the policy is what goes along with the matrix that has been developed by the work group with regard to assigning of contracts. Ms. King questioned who was on that work group. Ms. Lipscomb stated that this policy is

complicated as to how it came about and the committee needs time to review and digest it until next month. She stated that it would take some time to explain to the committee how the policy works and the committee may want to make changes as their views may be different than the association's. Ms. Lipscomb stated that one thing that is not included today is the one page sheet that the committee would be presented to show the results of the policy and matrix. That information needs to be provided as well prior to the committee voting. She stated that the work group ran into problems with this policy as it is different for services versus commodities.

#### Time Study project approval

Glenn McEndree stated that WVARF is doing a study to determine how much time is spent on association work versus state use work. Ms. McEndree stated that they had talked to Tarradon about validating the results. Ms. Lipscomb stated that she did not believe that a lot of money needed to be spent to validate what WVARF tells them. Brenda King stated that it would be good to have an outside source so if it is questioned. Ms. Lipscomb stated that she would like to see some outside source validation but does not want to spend thousands of dollars for someone to validate what WVARF tells them.

Mr. Greening asked if the committee would approve WVARF going forward with this project with the understanding they not spend more than X amount of dollars. Ms. Lipscomb asked what they intended to do in order to validate what they are doing. Are they going to put down what calls they make, letters they write, etc, by keeping daily time? Mr. Greening stated they are just doing a self evaluation. They will do what ever the committee wants. They could have someone come into their office to watch them or they could put it on a computer. Ms. Lipscomb stated that when she had to justify her time for billing clients she just kept daily time sheets that stated exactly what she did. Mr. Greening just wants guidance from the committee or they are going to have to lay off staff if the allocation is not changed.

Mr. Miller stated that a prior director had them keep time and had an elaborate spread sheet that calculated time monthly. He will see if that can be found. Ms. Lipscomb stated that law firms have time keeping programs that can be used inexpensively. Mr. Kennedy asked for approval for them to explore purchasing computer programs that would keep the time. Mr. Miller believes that they would spend more time learning a new program than just putting it in a spreadsheet. Ms. King stated that you just need a description of activity, how much time was spent on it, and whether it was state use or association duties.

Ms. Lipscomb expressed concerns of upsetting the staff because they will have times when they won't have anything to put down. If a staff person goes to get coffee, stop next door to talk to a friend, etc. they may feel the committee thinks they are not working. She stated that this is not the point of keeping time, it is to be able to allocate funds for the proper use in the budget and she would like the staff to understand that. Ms. King stated that in order to get an accurate allocation they have to put down

everything they do.

Mr. Greening stated that they need to make changes as soon as possible as they are spending funds that they do not have now. Brenda King stated that they should do it for two weeks. Ms. Lipscomb disagreed and felt that it should be done for an entire quarter in order to show the activity that the staff does as the association has quarterly meetings, newsletters, etc. This would encompass all they do. Ms. Lipscomb stated that WVARF could start this and report back to the committee at the next meeting and they could possibly amend the budget then and then look at it again after a quarter and if it is different adjust the budget again.

Brenda King stated that she believes that the staff is doing a good job. The numbers are going up and the percentage is getting better. Ms. Lipscomb agreed and said that the accountability is much better.

Mr. McEndree asked what the committee wanted to do with regard to the Tarradon issue. Mr. Dixon said he would entertain a motion to approve. Ms. Lipscomb asked what they wanted to do about the ownership issue of the web site. Mr. McEndree stated that if the CNA changed then WVARF would sell it to them. The cost is approximately \$139,000.00.

Brenda King moved to approve the expenditure for Tarradon to proceed with the webpage. Donna Lipscomb stated that the ownership of the webpage would be with the CNA. Brenda King does not want her motion to include that but stated that this issue and several other issues need to be brought up at the next meeting. Ms. Lipscomb stated that if the committee must approve the expenditures from July 1<sup>st</sup> forward then they need to know who will own what they are paying for. Mr. Kennedy suggested that the committee go to the Attorney General on that issue. Brenda King believes that the Department of Administration should get an attorney general opinion on the ownership issue and on the 3.75% issue. She and Ms. Holland talked at length yesterday about the CNA being a non-profit organization and getting the state funds. It appears that the 3.75% is association money. Ms. Holland has made it clear that the pre-sort funds are different and has made that known to the CNA.

**Brenda King moved that the committee ask the Department of Administration to get an opinion from the Attorney General as to whether the Committee has the right to approve what the association does with the 3.75% fee they earn in administering this program. Motion seconded by \_\_\_\_\_. Donna Lipscomb abstained from voting.**

Ms. King stated that she is clear on the pre-sort money but she believes that the 3.75% is not clear and she is not sure about that money. Donna Lipscomb stated that she is very over sensitive in light of all the issues going on with non-profits at the legislature. She stated that this program is under the Department of Administration and she has been told that those are public funds. She would like

to know the answer as well as it would take a lot of the pressure off if they had no authority over the CNA.

**Brenda King moved that the committee approve the expenditures of funds for Tarradon to do the web site with the ownership issue to be decided following the Attorney General's opinion. Motion seconded by \_\_\_\_\_. Motion passed.**

There being no further business to come before the committee the meeting was adjourned.